

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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SEAN HIGGINS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	No. 2:11-2728-JPM-dkv
ERIC K. SHINSEKI,	)	
	)	
Defendant.	)	
	)	

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**ORDER ADOPTING REPORT AND RECOMMENDATION;  
DISMISSING PLAINTIFF'S COMPLAINT**

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Before the Court is the Report and Recommendation of Magistrate Judge Diane K. Vescovo, filed April 22, 2013 (ECF No. 18), recommending that the Court dismiss Plaintiff's Complaint (ECF No. 1) for lack of subject-matter jurisdiction. No objections to the Report and Recommendation have been filed, and the time for filing objections has expired.

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b) advisory committee notes.

On clear-error review of the Magistrate Judge's Report and Recommendation, the Court hereby ADOPTS the Report and Recommendation in its entirety. Accordingly, Plaintiff's Complaint is DISMISSED for lack of subject matter jurisdiction.

SO ORDERED, this 10th day of May, 2013.

s/ Jon P. McCalla  
JON P. McCALLA  
CHIEF U.S. DISTRICT JUDGE